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MINISTRY OF LAW

NOTIFICATION

New Delhi, the 11th January 1952

S.R.O. 75.—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (XLIII of 1951) the Central Government, after consulting the Election Commission, hereby makes the following further amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely:—

1. After rule 34B of the said Rules, the following rule shall be inserted, namely:

"34C. Special procedure for dealing with ballot boxes after close of poll in certain cases.—(1) Notwithstanding anything contained in these Rules, the Election Commission may, at any time after the close of the poll at any polling station and before the commencement of the counting of ballot papers contained in the ballot boxes used at such polling station direct the Returning Officer to follow the procedure laid down in this rule with regard to such ballot boxes and the ballot papers contained therein.

(2) Upon receipt of a direction under sub-rule (1), the Returning Officer shall, as soon as practicable, appoint a date for the purpose of dealing with the ballot boxes and the ballot papers contained therein in the manner hereinafter provided, and shall fix the place and time at which they shall be so dealt with, and shall give notice thereof to each candidate and his election agent.

(3) On the date and the time and place so appointed, the Returning Officer shall satisfy himself that all the ballot boxes used at the polling station have been received and that none of them has in fact been tampered with, and shall, at the same time, allow such candidates and election agents as are present an opportunity to inspect the ballot boxes and the seals thereof.

(4) If it is found by the Returning Officer that any of the ballot boxes has in fact been tampered with, he shall seal and secure it in the manner provided in rule 32 and keep it separate.

(5) He shall then open one after the other the remaining ballot boxes, and if no ballot box is found to have been tampered with, all the ballot boxes. After each ballot box has been so opened, he shall transfer all the ballot papers contained in it, without examining or counting them, to a separate cover, and shall indicate on such cover—

(i) such particulars as will identify the ballot box in which such ballot papers were found;

(ii) the name of the candidate to whom such ballot box was allotted;

(iii) the name of the polling station and the number of the polling booth, if any, where such ballot box was used; and

(iv) the date of the poll.

He shall thereafter allow the candidates and election agents who may be present an opportunity to inspect such ballot box to satisfy themselves that all the ballot papers contained therein have been transferred to the cover. The cover shall thereafter be sealed with the seals of the Returning Officer and of any candidates or election agents who may wish to affix their seals thereon. All such covers shall thereafter be kept together by the Returning Officer in safe custody until the commencement of the counting of votes."

2. In sub-rule (1) of rule 46 of the said Rules, after paragraph (ix), the following paragraph shall be inserted, namely:—

“(x) In any case where, after the close of the poll, the ballot papers contained in the ballot boxes used at a polling station have been transferred to sealed covers under rule 34C, every reference in this rule to such ballot boxes shall be construed as including a reference to the sealed covers, and every reference to ballot papers contained in such ballot boxes shall be construed as including a reference to the ballot papers contained in the sealed covers.”

[No. F.134(3)/51-C]

K. V. K. SUNDARAM, Secy.